



In Re application of:)

Date: Oct. 2. 2008

Neil John Graham)

Group art unit: 3732

Serial No. 10/733728)

Examiner: Heidi M. Bashaw

Filed: 12/12/2003)

For: Orthodontic Accessory Arch Bar)

Honorable Commissioner of Patents and Trademarks:

Dear sir:

In response to the notice of abandonment from the examiner dated: September 12, 2008.

Petition to Revive Abandoned Application Under 1.137 (a).

The abandonment was unavoidable due to the fact the office action, dated 3/20/2008 was never received. The examiner sent a notice of a non-compliant response dated 11/27/2007 which was responded to. The response was received in the Patent Office on 12/12/2007. Until the notice of abandonment no further communication was received from the Patent Office.

Reply to the Office Action.

The claims have been correctly identified according to their status. The claims submitted on 5/16/2007 were compared with the claims submitted on 8/31/2006.

Continuation of 4(e) Other: Applicant has amended claims 1, 7, 19 and 25, but has not used the proper text markings to indicate the text of any added subject matter. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. For example, Applicant has underlined the lower-end cross-sectional diameter .025, thus indicating a currently amended value. However, said cross-sectional diameter was previously presented in the amendments received 8/31/06. Additionally, Applicant has amended the value of the higher-end cross-sectional diameter to .060, but has failed to include any underlining to show the new subject matter.

The examiner is correct. The appropriate corrections have been made. Note in claims 13 and 19 the upper range of .060 already existed in the claims submitted on 8/31/2006.

Continuation of 4(e) Other: Applicant has amended claims 7 and 19, but has failed to properly underline all added text and strike-through all deleted text. Specifically, the word "by" in line 1 of each claim has been deleted and replaced with the word "la". Applicant has also failed to provide a proper strike-through for all deleted ranges in claim 13.

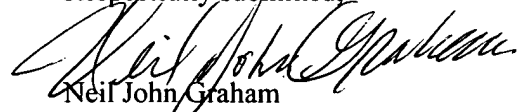
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The word "la" has been changed to the correct word "by". This was apparently an error when the document was scanned. In claim 13 the ranges were inadvertently left out. There was no intention to omit the ranges. The ranges have been correctly included in claim 13.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Neil John Graham".

Neil John Graham

Reg. No. 51,179

What is claimed:

1. (Previously presented-currently amended) An accessory arch bar attached to a fixed orthodontic appliance by piggybacking on the labial side of ~~an installed~~ a fixed orthodontic appliance used during orthodontic treatment comprising:

a metal wire with a longitudinal body having opposing longitudinal ends, a cross-sectional diameter, and a longitudinal axis wherein the longitudinal body is straight which becomes curved when placed on the fixed orthodontic appliance which creates a dental arch widening as the wire longitudinal body tries to return to a straight configuration;

a cross-sectional diameter of .025 in. to ~~60~~ .060 in.;

a longitudinal length similar to the length of an arch wire on a fixed orthodontic appliance; and

a tying means for attaching the accessory arch bar to ~~an~~ a fixed orthodontic appliance wherein a wire ligature or an elastomeric orthodontic module is used to attach the accessory arch bar to an orthodontic arch wire or directly to orthodontic brackets.

2. (Original) An accessory arch bar as in claim 1 wherein the ends of the accessory arch bar are formed at a right angle to the accessory arch bar long axis and directed towards the teeth when placed on the orthodontic appliance, which prevents irritation to the patient and dislodging of the ends of the accessory arch bar from the tying means.

3. (Original) An accessory arch bar as in claim 1 wherein the composition of the accessory arch bar is comprised of metal compositions used for orthodontic arch wires.

4. (Original) An accessory arch bar wire as in claim 1 wherein the composition of the accessory arch bar is stainless steel.

5. (Original) An accessory arch bar as in claim 1 wherein the diameter of the accessory arch bar is .027 inch.

6. (Currently amended) An accessory arch bar as in claim 5 wherein the composition of the arch bar is Ti beta 3 wire which is super elastic and adjustable which is comfortable to the patient when placed on the

fixed orthodontic appliance, and yet moves the teeth quickly and effectively.

7. (Previously presented-currently amended) An accessory arch bar attached to a fixed orthodontic appliance by piggybacking on the labial side of ~~an installed~~ a fixed orthodontic appliance used during orthodontic treatment comprising:

a metal wire with a longitudinal body having opposing longitudinal ends, a cross-sectional diameter, and longitudinal axis and the longitudinal body is curved with a flat occlusal plane wherein the ends approximate or cross over each, wherein when placed on the fixed orthodontic appliance a narrowing of the dental arch is produced;

a cross-sectional diameter of .025 in. to ~~.60~~ .060 in.;

a longitudinal length similar to the length of an arch wire on a fixed orthodontic appliance; and

a tying means for attaching the accessory arch bar to ~~an~~ a fixed orthodontic appliance wherein a wire ligature or an elastomeric orthodontic module is used to attach the accessory arch bar to an orthodontic arch wire or directly to orthodontic brackets.

8. (Currently amended) An accessory arch bar as in claim 7 wherein the ends of the accessory arch bar are formed at a right angle to the accessory arch bar long axis and directed towards the teeth when placed on the fixed orthodontic appliance, which prevents irritation to the patient and dislodging of the ends of the accessory arch bar from the tying means.

9. (Currently amended) An accessory arch bar as in claim 7 wherein the accessory arch bar ends are looped towards the teeth when placed on the fixed orthodontic appliance wherein the loop encircles the arch wire or an orthodontic bracket hook.

10. (Original) An accessory arch bar as in claim 7 wherein the composition of the accessory arch bar is comprised of metal compositions used for orthodontic arch wires.

11. (Original) An accessory arch bar as in claim 7 wherein the diameter of the accessory arch bar is .027 in.

12. (Currently amended) An accessory arch bar as in claim 11 wherein the composition of the arch bar is Ti beta 3 wire which is super elastic and adjustable which is comfortable to the patient when placed on the fixed orthodontic appliance, and yet moves the teeth quickly and effectively.

13. (Previously presented-currently amended) An accessory arch bar attached to a fixed orthodontic appliance by piggybacking on the labial side of ~~an installed~~ a fixed orthodontic appliance used during orthodontic treatment comprising:

a metal wire with a longitudinal body having opposing longitudinal ends, a cross-sectional diameter .025 inch to .060 inch, and a longitudinal axis wherein the longitudinal body is formed with a flat occlusal plane into the desired dental arch form wherein when the arch bar is placed on the fixed orthodontic appliance the dental arch is formed to the desired shape, this is most effective when accessory arch bars with similar arch forms are used in the upper and lower jaws simultaneously which coordinates the bite and fits the upper and lower teeth together during the orthodontic finishing process;

14. (Currently amended) An accessory arch bar as in claim 13 wherein the ends of the accessory arch bar are formed at a right angle to the accessory arch bar long axis and are directed towards the teeth when placed on the fixed orthodontic appliance, which prevents irritation to the patient and dislodging of the ends of the accessory arch bar from the tying means.

15. (Currently amended) An accessory arch bar as in claim 13 wherein the ends of the accessory arch bar are looped towards the teeth when placed on the fixed orthodontic appliance wherein the loop encircles the arch wire or an orthodontic bracket hook.

16. (Original) An accessory arch bar as in claim 13 wherein the composition of the accessory arch bar is stainless steel.

17. (Original) An accessory arch bar as in claim 13 wherein the diameter of the accessory arch bar is .027 in.

18. (Original) An accessory arch bar as in claim 17 wherein the composition of the arch bar is Ti beta 3 wire which is super elastic and adjustable which is comfortable to the patient when placed on the orthodontic appliance, and yet moves the teeth quickly and effectively.

19. (Previously presented-currently amended) An accessory arch bar attached to a fixed orthodontic appliance by piggybacking on the labial side of ~~an installed~~ a fixed orthodontic appliance used during orthodontic treatment comprising:

a metal wire with a longitudinal body having opposing longitudinal ends, a cross-sectional diameter, and a longitudinal axis wherein the longitudinal body is configured with a flat occlusal plane into the desired dental arch form wherein the wire is curved either upwards or downwards away from the flat plane in the direction the occlusal plane of the teeth is to be moved, thus correcting a slant of an occlusal plane

;

a cross-sectional diameter of .025 in. to .060 in.;

a longitudinal length similar to the length of an arch wire on a fixed orthodontic appliance; and

a tying means for attaching the accessory arch bar to ~~an~~ a fixed orthodontic appliance wherein a wire ligature or an elastomeric orthodontic module is used to attach the accessory arch bar to the orthodontic arch wire or directly to the orthodontic brackets.

20. (Currently amended) An accessory arch bar as in claim 19 wherein the ends of the accessory arch bar are formed at a right angle to the accessory arch bar long axis and directed towards the teeth when placed on the fixed orthodontic appliance, which prevents irritation to the patient and dislodging of the ends of the accessory arch bar from the tying means.

21. (Original) An accessory arch bar is in claim 19 wherein the composition of the accessory arch bar is comprised of metal compositions used for orthodontic arch wires.

22. (Original) An accessory arch bar wife as in claim 19 wherein the composition of the accessory arch bar is stainless steel.

23. (Original) An accessory arch bar as in claim 19 wherein the diameter of the accessory arch bar is .027 inch.

24. (Currently amended) An accessory arch bar as in claim 23 wherein the composition of the arch bar is Ti beta 3 wire which is super elastic and adjustable which is comfortable to the patient when placed on the

fixed orthodontic appliance, and yet moves the teeth quickly and effectively.

25. (Previously presented-currently amended) An accessory arch bar attached to a fixed orthodontic appliance by piggybacking on the labial side of ~~an installed~~ a fixed orthodontic appliance used during orthodontic treatment comprising:

a metal wire with a longitudinal body having opposing longitudinal ends, a cross-sectional diameter, and longitudinal axis wherein the longitudinal body is configured to the shape of the desired dental arch and curves upwards or downwards from the occlusal plane as the wire proceeds towards the front of the mouth wherein the upper front teeth are moved correcting an open anterior bite or a deep over bite of the anterior teeth.

a cross-sectional diameter of .025 in. to ~~.060~~ .060 in.;

a longitudinal length similar to the length of an arch wire on a fixed orthodontic appliance; and

a tying means for attaching the accessory arch bar to ~~an~~ a fixed orthodontic appliance wherein a wire ligature or an elastomeric orthodontic module is used to attach the accessory arch bar to the orthodontic arch wire or directly to orthodontic brackets.

26. (Currently amended) An accessory arch bar as in claim 25 wherein the ends of the accessory arch bar are formed at a right angle to the accessory arch bar long axis and directed towards the teeth when placed on the fixed orthodontic appliance, which prevents irritation to the patient and dislodging of the ends of the accessory arch bar from the tying means.

27. (Original) An accessory arch bar is in claim 25 wherein the composition of the accessory arch bar is comprised of metal compositions used for orthodontic arch wires.

28. (Original) An accessory arch bar wire as in claim 25 wherein the composition of the accessory arch bar is stainless steel.

29. (Original) An accessory arch bar as in claim 25 wherein the diameter of the accessory arch bar is .027 inch.

30. (Currently amended) An accessory arch bar as in claim **29** wherein the composition of the arch bar is Ti beta 3 wire which is super elastic and adjustable which is comfortable to the patient when placed on the fixed orthodontic appliance, and yet moves the teeth quickly and effectively.

31. (Currently amended) A method of using an accessory arch bar for placing orthodontic force upon the teeth essentially consisting of:

forming a longitudinal arch bar into a pre-determined shape which produces orthodontic movement attached to ~~an~~ a fixed orthodontic appliance;

placing the accessory arch bar adjacent to the cheek side of an arch wire of ~~an~~ a fixed orthodontic appliance; and

ligating the accessory arch bar to the fixed orthodontic appliance.